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February 4, 2004

Via ELECTRONIC FILING

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

**Re: Notice of Ex Parte Presentation in Wireline and Cable Modem Broadband Internet Access Proceedings -- CC Docket Nos. 95-20, 98-10 and 02-33, and CS Docket No. 02-52**

Dear Ms. Dortch:

On January 30, 2004, Stewart A. Baker and Daniel C.H. Mah of Steptoe & Johnson LLP, Kate Dean of the United States Internet Service Provider Association and Larry Fenster of MCI, Inc., met with Matthew Brill, Senior Legal Advisor to Commissioner Abernathy.

At the meeting, concerns were raised about any attempt to subject all "Internet access service" providers to the Communications Assistance for Law Enforcement Act ("CALEA") in order to facilitate interception of Voice Over Internet Protocol ("VOIP"). The legislative history of CALEA indicates that Internet service providers were not intended to be subject to its requirements. Nevertheless, even without a clear CALEA obligation, it was emphasized that there has been much cooperation from Internet service providers in assisting law enforcement with wiretap orders, IP address look-ups and email intercepts. It was also strongly urged that CALEA issues be considered in a separate rulemaking, and not as part of the anticipated VOIP notice of proposed rulemaking to be issued by the Commission.

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If you have any questions concerning this notice, please do not hesitate to contact me.

Respectfully submitted

/s/

Stewart A. Baker